

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 17946 of 2004

Between:

Dr. S. Penchalaiah, S/o Late Venkat Swamy, Asst. Professor of Philosophy
Dept.of Comparative Dravidian Literature and Philosophy, Dravidian University,
Kuppam, Chittoor District.

... PETITIONER

AND

- 1 The Dravidian University, Kuppam, Chittoor District
Rep. by its Registrar.
- 2 The Executive Council, rep. by its Chairman-cum-Vice Chancellor,
Dravidian University, Kuppam, Chittoor District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or direction, more particularly one in the nature of Writ of Mandamus, declaring the proceedings of the Executive Council (R2) in Letter No. DU/T.Estt/2003 dated. 11-7-2003 as arbitrary, discriminatory and illegal and consequently set aside the same and direct the respondents to regularize the services of the Petitioner in the cadre of Asst. Professor in Philosophy in the Dept. of Comparative Dravidian Literature and Philosophy w.e.f. 1-5-2000, pursuant to his appointment to the said post made vide Proc.No. DU/Estt. (T)/2000-42 dated 10-4-2000 of the 1st Respondent, and also direct the Respondent University to treat him as the senior most faculty member in the said Department and with all other consequential benefits, monetary and otherwise

Counsel for the Petitioner: MR.V.JAGAPATHI

Counsel for the Respondents: None Appeared

The Court made the following order:

ORDER:

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The petitioner is working as an Assistant Professor of Philosophy in the first respondent University. He contends that he was not given the benefit of continuous service from the date of initial appointment and he was not released academic and annual increment. He was not kept at Sl.No.1 in the appointment order dated 11.07.2003 and his seniority was not fixed. The petitioner made a representation to the respondent University on 31.07.2003 and the latest representation on 18.08.2004. The grievance of the petitioner is that the first respondent did not pass any order on his representations and is postponing passing of any orders on his grievances. The petitioner, therefore, approached this Court through this writ petition seeking to declare the action of the second respondent through proceedings dated 11.07.2003 as arbitrary, discriminatory and illegal and consequently direct the respondents to regularize his service in the cadre of Assistant Professor in Philosophy.

Since the petitioner is contending that his representations are pending with the respondents it would be appropriate to direct the respondents to consider his representations and pass appropriate orders regarding his grievance according to the existing rules.

Having regard to the above circumstances, the respondents are directed to pass appropriate orders on the representations of the petitioner dated 31.07.2003 and 18.08.2004 according to the existing rules within two months from the date of receipt of this order. If the petitioner so desires, he may also make a fresh representation to the respondents to be considered along with the previous representations.

The writ petition is accordingly disposed of. No order as to costs.

Dr. G. YETHIRAJULU, J

October 6, 2004

Dsk

Note:

Furnish Copy in three days

(B/o)

Dsk

To

- 1 The Registrar, Dravidian University, Kuppam, Chittoor District
- 2 The Chairman-cum-Vice Chancellor, Executive Council,
Dravidian University, Kuppam, Chittoor District.
- 3 Two CD Copies.